

# JURAT

State of California

County of

Sacramento

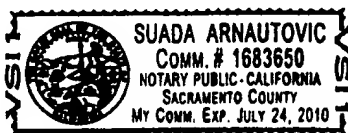
} SS.

Subscribed and sworn to (or affirmed) before me on this 9 day of March, 2007, by

Joe Ellison Erway  
(Signer)

, personally known to me or proved to me on the basis

of satisfactory evidence to be the person(s) who appeared before me.



Suada Arnautovic  
NOTARY'S SIGNATURE

## OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ INDIVIDUAL  
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ SUBSCRIBING WITNESS  
☐ OTHER: \_\_\_\_\_

ABSENT SIGNER (PRINCIPAL) IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

### DESCRIPTION OF ATTACHED DOCUMENT

AFFIDAVIT UNDER 37 CFR 1.131  
TITLE OR TYPE OF DOCUMENT

2  
NUMBER OF PAGES

03-03-07  
DATE OF DOCUMENT

OTHER

RIGHT THUMBPRINT  
OF  
SIGNER

Top of thumbprint here

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: Furnas et al

Docket: LKJ-162A

Filed: 7/27/2001

Group Art Unit: 2624

Serial No.: 09/917,112

Examiner: Lu, Tom Y.

Title: Method and Apparatus for Diagnosing  
Pathogenic or Allergenic Microorganisms  
or Microparticles at a Remote Location

Commissioner for Patents  
P. O; Box 1450  
Alexandria, VA. 22313-1450

Sir:

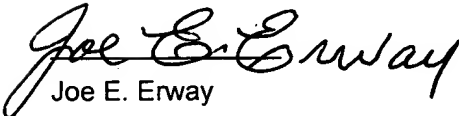
**AFFADAVIT UNDER 37 CFR 1.131**

Joe E. Erway, being duly sworn, deposes and says:

1. I am the owner of the patent application identified above and of the subject matter described and claimed therein and make this affidavit in accord with MPEP 715.04 as a party in interest.
2. It is not possible to provide this affidavit by the inventors of the patent application identified above as they departed from this activity and area several years ago and I no longer have their personal records with which to attempt making contact.
3. Prior to May 1, 2000, the invention as described and claimed in the above-identified application was actually reduced to practice in the United States of America and satisfactorily tested in the United States of America for functioning in accord with its intended purpose, as evidenced by the following:
  - a. Prior to May 1, 2000, the idea of identifying microscopic contaminants by "non-lab" people using a microscope to obtain photomicrographs and electronically transmitting these photomicrographs to a laboratory to be identified by a skilled

mycologist or other certified person was conceived. Attached hereto as Exhibit A is a memo dated December 8, 1999, from Steve Furnas particularly describing this in paragraphs 4 and 5.

- b. On January 28, 2000, a successful experiment was conducted using a microscope and digital camera to send organism micrographs to a television monitor for image enhancement and identification. See Exhibit B.
  - c. On February 2, 2000, microscopic contaminants were captured at a remote location using a microscope and digital camera. Photomicrographs were transmitted over telephone lines to a laboratory to be identified by a skilled mycologist, Becky Huddy at MicroTestLabs in Sacramento, CA. See Exhibit C.
  - d. On February 11 March 7, and March 11, 2000, multiple experiments with various camera magnification lenses were conducted in order to begin optimizing "an adjustable focus, hand held, wireless microscope/camera". See Exhibit D wherein the microscope is envisioned as mobile, Exhibit E where the need for at least 400X magnifying lens is noted and Exhibit F wherein the process of refining the prototype was completed and referring to a March 15, 2000 date when the requisite camera would be available so that "The prototype will then be made into a commercially acceptable version."
4. Each of the activities above occurred in the state of California, USA, and each of the laboratory descriptions were prepared by Steve Furnas, inventor, on or about the date indicated therein.

  
Joe E. Erway

Sworn to and subscribed before me  
this 8 th day of March, 2007.

\_\_\_\_\_  
Notary Public

